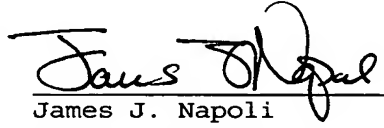




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Applicants:) I hereby certify that this
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) P.O. Box 1450
) Alexandria, VA 22313-1450
) Dated: October 7, 2005
)
) 
) James J. Napoli
) Registration No. 32,361
) Attorney for Applicants

TRANSMITTAL OF ENGLISH-LANGUAGE TRANSLATION OF
THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Applicants hereby submit an English-language translation of the International Preliminary Examiner Report issued in connection with PCT/EP2003/006054, from which applicants claim priority.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By


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October 7, 2005

PATENT COOPERATION TREATY

PCT/EP2003/006054

US - Marshall

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

To:

Patente, Marken u. Lizenzen

21. Feb. 2005

BASF AKTIENGESELLSCHAFT
67056 Ludwigshafen
ALLEMAGNE

AST

Date of mailing (day/month/year)

17 February 2005 (17.02.2005)

Applicant's or agent's file reference

0000054422

IMPORTANT NOTIFICATION

International application No.

PCT/EP2003/006054

International filing date (day/month/year)

10 June 2003 (10.06.2003)

Applicant

BASF AKTIENGESELLSCHAFT et al

Phase beendet, 12. 11. 04

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

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Translation

PATENT COOPERATION TREATY

PCT/EP2003/006054



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000054422	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/006054	International filing date (day/month/year) 10 June 2003 (10.06.2003)	Priority date (day/month/year) 11 June 2002 (11.06.2002)
International Patent Classification (IPC) or national classification and IPC C08G 65/332		
Applicant BASF AKTIENGESELLSCHAFT		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 02 December 2003 (02.12.2003)	Date of completion of this report 25 August 2004 (25.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/006054

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-52 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-24 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/06054

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 506 324

D2: WO-A-01/45758

D3: WO-A-01/56625

D4: US-A-5 356 754.

1.0 Documents D1 to D3 do not disclose a trimethylpropane derivative which contains ethylene oxide (EO) and propylene oxide (PO). Trimethylpropane derivatives which contain EO and PO are also not obvious from D1 to D3.

2.0 D4 discloses EO-PO trimethylpropane derivatives. Those derivatives, however, have more PO units than EO units (see the formula of the current claim 1). Trimethylpropane derivatives with more EO units than PO units are also not obvious from D4.

3.0 The subject matter of the current claims is therefore novel and inventive (PCT Article 33(2) and (3)).